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November 11, 2013

**Sent First Class Mail and Email (.pdf)**

Freedom of Information Officer  
United States Environmental Protection Agency Region IX  
75 Hawthorne Street  
San Francisco, California 94105  
Email: r9foia@epa.gov

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**Re: FREEDOM OF INFORMATION ACT REQUEST**

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act ("**FOIA**"), 5 U.S.C. § 552, and the EPA's rules implementing the FOIA, 40 C.F.R. §§ 2.100 through 2.108, and on behalf of my client, ASARCO LLC ("**Asarco**"), I hereby request to review the following records:

1. Any and all FOIA requests received by the United States Environmental Protection Agency ("**EPA**"), from June 1, 2011 to the present day, for any records concerning the Asarco concentrator or smelter in Hayden, Arizona (the "**Hayden Operations**"), other than Asarco's November 11, 2011 FOIA request (Case No. 09-FOI-00069-12);
2. Any and all EPA responses to FOIA requests described in Item 1, above, including, without limitation: (a) any and all records that the EPA has produced in response to the FOIA requests; (b) any and all EPA denials, including partial denials, of the FOIA requests; and (c) any and all indices that the EPA has produced describing records withheld in response to the FOIA requests;

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3. Any and all: (a) administrative appeals concerning FOIA requests described in Item 1, above; (b) arguments or evidence filed in the administrative appeal proceedings; and (c) EPA orders or final decisions in the administrative appeal proceedings;

4. Any and all: (a) complaints for judicial review concerning FOIA requests described in Item 1, above; (b) arguments or evidence filed in the judicial review proceedings; and (c) court orders or final decisions in the judicial review proceedings; and

5. Any and all EPA correspondence with submitters of FOIA requests described in Item 1, above—including letters and e-mails from the EPA to the submitters and letters and e-mails from the submitters to the EPA, together with any enclosures or attachments—from September 1, 2010 to the present day, concerning the Hayden Operations or Asarco.

As used in items 1 through 5, above:

a. The word “records” should be construed as expansively as possible under the FOIA including, without limitation, 5 U.S.C. § 552(f)(2), and to include any and all records in hard copy or electronic format;

b. The word “concerning” includes, without limitation, records discussing, regarding or relating to the Hayden Operations or FOIA requests described in Item 1;

c. The word “produced” includes, without limitation, the provision, release or disclosure of records or indices of records in response to a FOIA request;

d. The words “correspondence with” includes, without limitation, correspondence from the EPA or correspondence to the EPA;

e. The word “submitters” refers to the submitters of FOIA requests described in Item 1, above, including, without limitation, the

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submitters' officers, employees, in-house counsel, outside counsel, consultants, contractors, representative or agents; and

f. Any words in the plural should be construed as both plural and singular.

As used in this request:

- The word "and" should be construed as both conjunctive and disjunctive, so that a series of kinds of records joined by the word "and" shall refer to any, all or any combination of them; and

- The word "or" should be construed as both disjunctive and conjunctive, so that a series of kinds of records joined by the word "or" shall refer to any, all or any combination of them.

Asarco agrees in advance to pay up to \$2,500.00 for the EPA's time spent searching for records responsive to this request, reviewing the records for disclosure, and duplicating records responsive to the request, provided the fees and costs imposed are cognizable under 5 U.S.C. § 552 and 40 C.F.R. § 2.107.

In the event the EPA anticipates that additional fees and costs (above the \$2,500.00) need to be charged to respond to this request, then Asarco requests that the EPA notify Asarco and give Asarco the opportunity to agree to the additional fees and costs before the EPA incurs the additional fees and costs.

In an effort to save costs, Asarco requests that: (i) electronic records responsive to this request be duplicated and produced in electronic format; and (ii) hard copy records responsive to this request be duplicated and produced in hard copy format or electronic format, whichever is less costly.

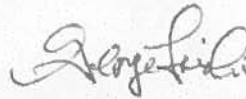
Please note, this FOIA request is solely on behalf of my client Asarco and Asarco is the party making the request.

George A. Tsiolis  
Attorney at Law

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If you have any questions about this request, then please contact me at 602-319-4021 or [gtsiolis@nj.rr.com](mailto:gtsiolis@nj.rr.com).

Sincerely,



George A. Tsiolis  
Attorney at Law  
Counsel to ASARCO LLC

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cc: Ivan Lieben, Esq.  
Assistant Regional Counsel  
United States Environmental Protection Agency Region IX  
75 Hawthorne Street  
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